

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WILLIAM D. DUNCAN, )  
)  
Plaintiff, )  
)  
v. )  
)  
PATINE, INC., a California Corporation, )  
dba Southwest Trailer Sales, )  
)  
Defendant. )  
\_\_\_\_\_ )

Civil Case No. 08-1258-SU

O R D E R

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KING, Judge:

The Honorable Patricia Sullivan, United States Magistrate Judge, filed Findings and Recommendation on March 11, 2009. Defendant filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Sullivan.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Sullivan dated March 11, 2009 in its entirety.

IT IS HEREBY ORDERED that Duncan's Motion to Remand (#7) is granted. This action is remanded to the Wallowa County Circuit Court. Patine's Motion to Dismiss for Lack of Jurisdiction (#4) is denied as moot.

DATED this 4<sup>th</sup> day of May, 2009.

/s/ Garr M. King

GARR M. KING  
United States District Judge